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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/605,297 | 09/20/2003 | Tracy Scott Kent | | 2296 |

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Michael W. MacCollum/
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Poway, CA 92064

EXAMINER

KLEBE, GERALD B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3618

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/605,297 | | KENT ET AL. | |
| | Examiner | | Art Unit | |
| | Gerald B. Klebe | | 3618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

GB Klebe
8 April 2005

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/20/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Amendment

1. The amendment filed 03/08/2005 under 37 CFR § 1.111 has been entered. Amendments are made to the Abstract, certain portions of the Specification and certain claims. Claims 1-12 as amended, are pending in the application, claim 1 being independent.

Advisory - Pro Se Applicant

2. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Specification Objections

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

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a. The specification as amended has introduced new terminology for the pivot fastener (item 32) calling it a “king pin”; since the specification as originally filed used the terminology “pivot fastener” it is objected that the introduction of the new terminology merely serves to provide alternative terminology not further exemplifying the inventive concept; moreover, the pivot fastener terminology had already been provided an alternative terminology in the specification originally filed, viz., “pivot pin”; therefore it appears the introduction of the terminology of “king pin” does not add anything and can be construed as confusing.

b. Claim 1 in line 7 recites the limitation “pivot post”; the term pivot post is not found in the disclosure as filed including the specification as originally filed. Nor is it clear that “pivot post” can be interpreted as the item “pivot pin” found in the specification since “pivot fastener” is used in the specification and drawings to identify the device used to secure the wheel truck hanger to the baseplate of the skateboard truck inventive quantity.

Applicant should scrutinize the claims to ensure consistent and unambiguous terminology between the specification and the claims.

Appropriate correction is required. No new matter should be entered.

Claims Objections

4. The claims are objected-to for the following:

Claim 1 includes recitations in the form of three sentences ending in periods. The claims should each involve only a single sentence ending in a period.

At several places in the claim recitations the limitation “baseplate” is recited as two words “base plate”. Applicant is required to use unambiguous terminology consistent throughout the specification and claims when referring to a given aspect of the invention.

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Appropriate correction is required. No new matter should be entered.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-12 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Furthermore, the claims are replete with recitations of limitations lacking sufficient antecedent basis in the claim. Some cases in point are the following:

Claim 1 in line 7 recites the limitation “the base plate”; there is insufficient antecedent basis for this limitation in the claim.

Claim 3 in lines 2-3 recites “the posterior side of [the fundamental body]”; there is insufficient antecedent basis for this limitation in the claim.

Claim 4 in lines 2-3 recites “the bottom elastomer bushing retention washer”; and in line 4 recites “the top elastomer bushing”; and in lines 6-7 recites “the raised through-holed attachment socket”; there is insufficient antecedent basis for each of these limitations in the claim.

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Applicant is required to scrutinize the claims for proper antecedent basis for all limitations and to make corrections as needed.

Appropriate correction is required. No new matter should be added.

Allowable Subject Matter

7. Claims 1-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Suggestion of Drafted Claim(s), Pro Se

8. The following claim drafted by the examiner and considered to distinguish patentably over the art of record in this application, is presented to Applicant for consideration:

Claim: An elastomer suspension system wheel truck for a skateboard comprising:

a baseplate adapted for attachment to the underside of a skateboard deck with a centerline in parallel with the longitudinal centerline of the skateboard, and having two shock absorber mounting platforms, each one located on opposite sides of and equidistant from the centerline of the baseplate, wherein each of the mounting platforms consists of a single, raised conically-shaped stud for securing an elastomer shock absorber to the baseplate; and,

a hanger including a fundamental body with a semicircular through-holed aperture yoke, the hanger having a centerline and a single axle extending transversely to the hanger centerline and including threaded end portions extending outward from the terminal ends of the hanger, being adapted for attaching wheels; and further comprising,

a pivot fastener insertable through a through-hole of the yoke and into the baseplate for attaching the hanger to the baseplate; and further comprising,

two elastomer shock absorbers, each having cylindrically-shaped opposite end portions and being spherically-shaped therebetween, and having conically-shaped openings in each of the opposite end portions, the shock absorbers being adapted for attaching one of the ends to the hanger and the opposite end to the baseplate.

EXAMINER'S NOTE: the claim recitation above is considered to fairly represent the

Applicant's inventive concept and to distinguish over the prior art of record in the application.

Should Applicant avail himself of this claim recitation, Applicant should ensure that any and all

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dependent claims additionally claimed satisfy antecedent basis requirements and further are free of any other ambiguities that would render the claim(s) not clear under 35 USC § 112, Second Paragraph requirements.

Allowable Matter

9. The following is a statement of reasons for the indication of allowable subject matter:

The recited limitations of the claim for a skateboard wheel truck comprising a baseplate having a centerline and being mountable to the underside of a skateboard deck, and a wheel hanger having a centerline, a yoke, and an axle extending transverse to the hanger centerline, and a pivot fastener insertable through the yoke and into the baseplate for attaching the hanger to the baseplate, and further comprising two elastomer shock absorbers each having cylindrically shaped opposing end portions having conically shaped openings in their opposite ends and being secured between the hanger and the baseplate, wherein the baseplate shock absorber mounting plates each have single, raised, conically-shaped studs for engaging the conically shaped openings of the elastomer shock absorbers thereby securing the elastomer shock absorbers between the baseplate and the hanger, together with the other recited structures of the claim are not found in the prior art of record nor may be derived from any reasonable combination thereof.

Response to Arguments

10. Applicant Pro Se has provided no arguments with respect to the previous Office Action on the merits.

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Action made Final; Necessitated by Amendment

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of \$ 250.00.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application

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which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

Conclusion

12. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 571-272-6695, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 571-272-6914.

Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


gbklebe / Art Unit 3618 / 18 April 2005

FRANK VANAMAN
PRIMARY EXAMINER


4/18/05